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December 9, 2009

By eFiling

Secretary James J. McNulty  
Secretary's Bureau  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg , PA 17105-3265

**Re: Ellena Irby v. PGW, Docket No. C-2009-2117933  
Motion for Continuance of Hearing  
Initial Hearing, Wednesday, December 16, 2009**

Dear Secretary McNulty:

Enclosed for eFiling is Ellena Irby's Motion for Continuance of Hearing, with accompanying proposed order and certificate of service.

I have served a copy of this document on Administrative Law Judge Ky Van Nguyen, and on all parties to the proceeding.

Respectfully submitted,

*/s/ Thu B. Tran*

Thu B. Tran, Esq,  
Energy Unit  
Enclosures

cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Ellena Irby</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>C-2009-2117933</b>
	:	
<b>Philadelphia Gas Works</b>	:	
<b>Respondent</b>	:	

**ORDER GRANTING MOTION FOR CONTINUANCE**

Upon review of Complainant’s Motion for Continuance of Hearing, and upon good cause shown, the hearing scheduled in this matter for December 16, 2009 is hereby continued to \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Ellena Irby</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>C-2009-2117933</b>
	:	
<b>Philadelphia Gas Works</b>	:	
<b>Respondent</b>	:	

**Motion for Continuance of Hearing**

Pursuant to 52 Pa. Code § 1.15(b), Ellena Irby (hereinafter “Complainant”), through counsel Community Legal Services, Inc., hereby moves for a continuance of the hearing in this matter scheduled for December 16, 2009, and in support states as follows:

1. On July 8, 2009, Complainant filed a Formal Complaint against Philadelphia Gas Works (hereinafter “PGW” or “Respondent”).
2. Counsel for Complainant and counsel for Respondent have been in communication and have been discussing ways to resolve the issues in this case. However, no agreement has yet been reached.
3. On September 14, 2009, Complainant served her Interrogatories and Requests for Production of Documents, Set I, on Respondent, consisting of twenty-nine (29) questions.
4. On September 24, 2009, Respondent filed Philadelphia Gas Works’ Objections to the First Set of Written Interrogatories, objecting specifically to Question No. 24.
5. On Monday, October 5, 2009, Respondent filed her Motion to Compel Philadelphia Gas Works to Answer Ellena Irby’s Interrogatories and Requests for Production of Documents, Set I, No. 24. Respondent PGW never filed an answer to the Motion to Compel.

Counsel for Respondent related to counsel for Complainant that the response to No. 24 would be forthcoming. To date, PGW has not provided responses to Questions Nos. 21, 23, 24, and 27.

6. On October 16, 2009, Complainant filed her first Motion for Continuance of Hearing, with the agreement of Respondent, to continue the Initial Hearing scheduled for October 23, 2009. The Motion for Continuance was granted.

7. Respondent agreed to restore gas service to Complainant's home during the pendency of this proceeding, in consideration for Complainant's payment of a reconnection fee and an additional good faith payment. On or about October 21, 2009, Respondent restored gas service to Complainant's home.

8. In settlement discussions and upon review of the responses so far to discovery, Complainant became aware of two additional issues in dispute that are related to this Formal Complaint, including PGW's reactivation of a written off balance exceeding \$25,000 consisting almost entirely of charges for service furnished more than 4 years prior. Concurrent with this Motion, Complainant files her Amended Formal Complaint.

9. On Thursday, December 3, 2009, counsel for Complainant contacted counsel for Respondent by electronic mail to reiterate the need for full discovery responses and to relay Complainant's plan to amend the complaint and request a continuance. Counsel for Respondent replied that a response from PGW would come the next day. To date, PGW has not provided the overdue discovery responses or otherwise responded.

10. Complainant requires more time to receive overdue discovery responses, to make additional attempts to settle this matter, and to prepare for a hearing if necessary.

11. Complainant is in agreement with a change of the scheduled hearing date.

WHEREFORE, Complainant moves that the December 16, 2009 hearing be continued for two (2) months.

Respectfully submitted,

*/s/ Thu B. Tran*

Thu B. Tran, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
215-981-3777

Counsel for Complainant

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Ellena Irby</b>	:	
<b>Complainant</b>	:	
	:	
<b>v.</b>	:	<b>C-2009-2117933</b>
	:	
<b>Philadelphia Gas Works</b>	:	
<b>Respondent</b>	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day, served a copy of the foregoing Motion for Continuance of Hearing upon the participants, listed below, in accordance with the requirements of 52 Pa.Code §1.54 (relating to service by a participant).

By First Class U.S. Mail, postage prepaid and e-mail as indicated:

Administrative Law Judge Ky Van Nguyen  
Pennsylvania Public Utility Commission  
Suite 4063  
801 Market Street  
Philadelphia, PA 19107  
[knguyen@state.pa.us](mailto:knguyen@state.pa.us)

Laureto A. Farinas, Esquire  
Philadelphia Gas Works  
Legal Department  
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Philadelphia, PA 19122  
[Laureto.Farinas@pgworks.com](mailto:Laureto.Farinas@pgworks.com)

Ellena Irby  
955 N. 6<sup>th</sup> Street  
Philadelphia, PA 19123

Dated this 9<sup>th</sup> day of December, 2009.

/s/ Thu B. Tran  
Thu B. Tran, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102